

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

UNITED STATES OF AMERICA,

v.

**CRIMINAL ACTION NO. 5:11CR17-01
CRIMINAL ACTION NO. 5:12CR14-01**

DAVID L. KIDD, II.,

Defendant.

UNOPPOSED MOTION TO CONTINUE CHANGE OF PLEA HEARING

Comes now, Defendant, David L. Kidd, II, by counsel, Brendan S. Leary, Assistant Federal Public Defender, and respectfully moves this Honorable Court to continue the change of plea hearing in this matter currently scheduled for May 22, 2012, at 11:00 a.m. In support of this motion, Mr. Kidd states as follows:

1. Undersigned counsel learned late Friday, May 18, 2012, that he must be out of town on Tuesday morning, May 22, 2012, for annual leave. Unfortunately, this unexpected annual leave cannot be rescheduled.
2. Undersigned counsel contacted the Assistant United States Attorney, John C. Parr, Esq., about this matter. Mr. Parr indicated that the Government does not oppose this motion.
3. The parties submit the proposed alternative dates for the change of plea hearing. May 23, and May 24, 2012.

WHEREFORE, pursuant to the reasons stated herein, David L. Kidd, II, respectfully requests that the Court continue the May 22, 2012, change of plea hearing.

Respectfully submitted,

DAVID L. KIDD, II

By Counsel

By: /s/ Brendan S. Leary
Brendan S. Leary
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CERTIFICATION OF SERVICE

I hereby certify that on May 18, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

John C. Parr, Esq.
United States Attorney's Office
1125 Chapline Street, Suite 3000
Post Office Box 591
Wheeling, West Virginia 26003-0011
304-234-0100

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